

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

GEORGE D. GRUBB,

Plaintiff

v.

C-1-09-263

TERRY COLLINS, *et al.*,

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 24) to which neither party has objected.

Upon a *de novo* review of the record, the Court finds that the Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. Accordingly, in the absence of any objection by plaintiff, this Court accepts the Report as uncontroverted.

The Report and Recommendation of the United States Magistrate Judge (doc. no. 24) is hereby ADOPTED AND INCORPORATED HEREIN BY REFERENCE. Plaintiff's Motion for Default (doc. no. 19) is DENIED; Defendant's Motion to Dismiss (doc. no. 23) is GRANTED; and plaintiff's Complaint is DISMISSED WITH PREJUDICE as to defendant Gene Weaver, the last remaining defendant in this case.

This matter is TERMINATED on the docket of this Court.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court